

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2098 – SB 2743

February 6, 2022

SUMMARY OF BILL: Enhances the penalty for assault that results in the bodily injury of a law enforcement officer who is discharging the officer's official duties, from a Class A misdemeanor to a Class E felony.

FISCAL IMPACT:

Increase State Expenditures – \$2,616,500 Incarceration

Decrease Local Expenditures – \$370,700/FY22-23 and Subsequent Years

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-13-116(c)(1), assault that results in the bodily injury of a first responder or nurse who is discharging or attempting to discharge the first responder's or nurse's official duties is a Class A misdemeanor offense with a mandatory minimum sentence of 30 days incarceration and a mandatory fine of \$5,000.
- The proposed legislation enhances the penalty for such an offense, from a Class A misdemeanor to a Class E felony, if the assault is against a law enforcement officer.
- Public Chapter 3 of the Second Extraordinary Session of the 111th General Assembly created the Class A misdemeanor offense of assault against a first responder. As such, statistics for convictions of the recently created offense are not yet available.
- Based on data obtained through the Tennessee Bureau of Investigation (TBI) Tennessee Incident Based Reporting System (TIBRS), over the last five years, there was an average of 427 arrests for simple assault against a law enforcement officer.
- Based on information in the FY19-20 Annual Report of the Tennessee Judiciary, approximately 47.7 percent of criminal court dispositions statewide resulted in a conviction.
- This analysis assumes 47.7 percent, or 203.6 (427 x 47.7%), of arrests would result in a Class E felony admission under the proposed legislation.
- The average time served for a Class E felony is 0.66 years.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.74 percent per year for each of the past 10 years (from 2010 to 2020).
- The weighted average operational costs per day are estimated to be \$51.36 for inmates housed at state facilities and \$48.77 for inmates housed at local facilities.
- The estimated increase in incarceration costs are estimated to be the following over the next ten-year period:

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Increase in State Expenditures	
Amount	Fiscal Year
\$ 2,448,300	FY22-23
\$ 2,466,400	FY23-24
\$ 2,484,700	FY24-25
\$ 2,503,100	FY25-26
\$ 2,521,600	FY26-27
\$ 2,540,400	FY27-28
\$ 2,559,100	FY28-29
\$ 2,578,100	FY29-30
\$ 2,597,200	FY30-31
\$ 2,616,500	FY31-32

- Pursuant to Tenn. Code Ann. § 9-4-210, recurring costs increases are to be estimated on the highest of the next ten fiscal years; therefore, the recurring increase in incarceration costs will be \$2,616,500.
- This analysis assumes individuals convicted of a Class A misdemeanor offense assault against a first responder are spending the mandatory minimum 30 days in local jail.
- Based on cost estimates provided by local government entities throughout the state and reported bed capacity within such facilities, the weighted average cost per day to house an inmate in a local jail facility is \$60.69.
- The proposed legislation will result in a recurring decrease in local incarceration expenditures estimated to be \$370,695 ($\$60.69 \times 203.6 \text{ offenders} \times 30 \text{ days}$) in FY22-23 and subsequent years.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly change state or local revenue.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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